

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	Criminal No. 4:09-CR-00345
	:	
v.	:	(Judge Jones)
	:	
GREGORY ALAN MORTON	:	(Electronically Filed)
	:	

MOTION IN LIMINE

AND NOW, come the defendant, Gregory A. Morton, by his attorney, Thomas A. Thornton of the Federal Public Defender's Office, moving this Honorable Court to limit the introduction of evidence at trial.

1. By indictment filed October 22, 2009, Gregory Alan Morton was charged with first degree murder in violation of 18 U.S.C. § 1111.
2. The Federal Public Defender's Office was appointed to represent Mr. Morton.
3. Trial in this matter has been scheduled for June 28, 2010.
4. In the Jencks Act materials provided to counsel after 4:00 p.m. on Wednesday, June 22, 2010, is Government Exhibit 1015 (Attached).
5. That Exhibit is wholly objectionable.
6. In that Exhibit the government seeks to show that Mr. Morton has an aggressive or violent nature.

7. The offenses relied upon in the exhibit are 21-years old and inaccurately described.
8. The conduct of Mr. Morton in 1989 (minimal as it was) is irrelevant to this prosecution.
9. The evidence should be excluded unless the government can somehow show that it fits under some exception in the Federal Rules of Evidence.

WHEREFORE, for the foregoing reasons, Gregory Alan Morton respectfully requests this Honorable Court to exclude any testimony and Exhibit 1015 pursuant to FED. R. EVID. 410.

Respectfully submitted,

Date: June 24, 2010

/s/ Thomas A. Thornton
THOMAS A. THORNTON, ESQUIRE
Asst. Federal Public Defender
Attorney ID# PA44208
100 Chestnut Street, Suite 306
Harrisburg, PA 17101
Tel. No. (717) 782-2237
Fax No. (717) 782-3881
<thomas_thornton@fd.org>
Attorney for Gregory Alan Morton

CERTIFICATE OF SERVICE

I, Thomas A. Thornton, of the Federal Public Defender's Office, do hereby certify that on this date I served a copy of the foregoing **Motion in Limine**, via Electronic Case Filing, or by placing a copy in the United States mail, first class in Harrisburg, Pennsylvania, addressed to the following:

FREDERICK E. MARTIN, ESQUIRE
United States Attorney's Office

GREGORY ALAN MORTON

Date: June 24, 2010

/s/ Thomas A. Thornton
THOMAS A. THORNTON, ESQUIRE
Asst. Federal Public Defender
Attorney ID# PA44208
100 Chestnut Street, Suite 306
Harrisburg, PA 17101
Tel. No. (717) 782-2237
Fax No. (717) 782-3881
<thomas_thornton@fd.org>
Attorney for Gregory Alan Morton